

U.S. Department of Justice



United States Attorney  
Southern District of New York

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United States District Courthouse  
300 Quarropas Street  
White Plains, New York 10601

October 30, 2008

**BY FACSIMILE**

Michael Burke, Esq.  
Burke, Miele & Golden  
100 Washington Avenue  
P.O. Box 397  
Suffern, NY 10901

Re: United States v. James Curley,  
SI 08 Cr. 404 (SCR)

Dear Mr. Burke:

I write to follow up on our discovery discussions from earlier this week. Regarding the photograph that was produced on May 16, 2008, as explained in our May 16, 2008 letter the owner of Rich's Automotive Specialists, LLC identified the individual in that photograph as the individual who told the owner, on October 9, 2006, that his name was "Jim Harris." Detective George Buono of the Emerson Police Department showed the photograph to the owner on November 1, 2006.

With respect to the statements on the Marshal's Intake Form, I have learned that the alias "Jim Harris," which is listed on the form, was not provided by Mr. Curley. Thus, we would not seek to introduce that statement at trial.

Let me know if you have questions.

Very truly yours,

MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York

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